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CITY OF STOCKTON

DEPARTMENT OF MUNICIPAL UTILITIES

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May 8, 2013

Ms. Cindy Messer
Delta Plan Program Manager
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

PUBLIC COMMENT BY CITY OF STOCKTON ABOUT THE DELTA STEWARDSHIP COUNCIL'S MODIFIED ECONOMIC AND FISCAL IMPACT STATEMENT

Dear Ms. Messer:

Please accept this public comment to the Delta Stewardship Council's (DSC) Modified Economic and Fiscal Impact Statement and treat it as an official part of the DSC record of proceedings about certifying an environmental impact report and adopting a DSC Delta Plan.

Previously the City of Stockton commented on various versions of the DSC's draft environmental impact report. Most recently, the City appeared at the March 28, 2013, meeting of the DSC and entered into the record of proceedings, with the DSC chairman's approval, additional testimony in the form of expert opinions from the City of Stockton's Community Development Director and the Director of Municipal Utilities.

In very general terms our letter emphasized that DSC policies may have direct economic impacts that through a chain of events produce indirect environmental impacts. A major identified flaw in the draft Environmental Impact Report (EIR) was the omission of meaningful evidence, data and analysis about either the direct economic impacts or the indirect environmental impacts. These omissions are critical and render the draft EIR legally deficient.

The Statement contains disconcerting statements about the unavailability of baseline information required by the DSC to adequately address anticipated environmental impacts indirectly caused by direct economic impacts of the DSC plan and policies. While this letter does not identify all of the statements conceding the lack of sufficient information to evaluate the impacts, I can briefly summarize some of the pertinent omitted data as follows: The costs of action by local government and private industry to comply with the Delta Plan policies is unknown; the number and type of businesses affected is unknown; the anticipated loss of jobs is unknown; the extent to which the burden to comply with the regulation is disproportionately suffered by residential and retail development is acknowledged but not quantified; and, evidence to support a conclusion that California business competitiveness is harmed by a lack of certain and stable water supplies is omitted.

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COUNCIL'S MODIFIED ECONOMIC AND FISCAL IMPACT STATEMENT**


An abject lack of information and data disables the DSC and the draft EIR from adequately evaluating potential indirect environmental effects of Delta Plan regulations. It is axiomatic that since the ability to evaluate the direct economic impact to local government and private industry is impaired, it is therefore impossible to identify and quantify the significance of indirect environmental effects produced by these direct economic effects.

In the course of earning a doctoral degree, I became very familiar with research, experimental design and scientific methods. The problem identified in the Statement constitutes a basic and elementary design flaw that operates to contaminate the study and render the results relatively useless. The problem is relatively straightforward: The agency and the draft EIR lacked necessary baseline information about the Delta Plan regulations direct economic impact to local government and private industry to evaluate whether this impact would produce indirect environmental impacts.

As our previous letter explains, based upon our professional judgments, the Delta Plan's regulations cause significant economic impacts that will produce significant indirect environmental impacts. Critical to this analysis, the Statement reveals the DSC has not assembled sufficient and necessary baseline information to study this problem and thereafter agree or disagree with our conclusions.

The DSC's characterization of the evidence in the Statement reveals that the draft EIR fails to satisfy the obligation to serve as an information document for the agency, the Council and the public.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mel Lytle", written in a cursive style.

C. MEL LYTLE, Ph.D.
DIRECTOR OF MUNICIPAL UTILITIES

CML:lm